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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RICHARD J. FULTON,

11 Plaintiff,

12 v.

13 LIVINGSTON FINANCIAL LLC, et
14 al.,

15 Defendants.

CASE NO. C15-0574JLR

ORDER DENYING MOTION
FOR RECONSIDERATION

This matter comes before the court on Plaintiff Richard J. Fulton's motion for reconsideration of the court's July 25, 2016, order. (Mot. (Dkt. # 52); *see* 7/25/16 Order (Dkt. # 51).) Mr. Fulton asks the court to reconsider its award of attorney's fees. (Mot. at 1.) Having considered the motion, the balance of the record, and the relevant law, the court DENIES Mr. Fulton's motion for reconsideration.

Pursuant to Local Rule LCR 7(h)(1), motions for reconsideration are disfavored, and the court ordinarily will deny such motions unless the moving party shows (a)

1 manifest error in the prior ruling, or (b) new facts or legal authority which could not been
 2 brought to the attention of the court earlier with reasonable diligence. Local Rules W.D.
 3 Wash. LCR 7(h)(1). Mr. Fulton fails to make any of these showings as to any of the
 4 assorted arguments he makes in his motion for reconsideration.¹

5 The court notes the following only as examples of the flaws in Mr. Fulton's
 6 arguments. Mr. Fulton first argues that Plaintiff's counsel was awarded \$350.00 per hour
 7 in state court "[l]ess than two weeks ago," whereas this court awarded only \$300.00 per
 8 hour. (Mot. at 1.) But he fails to provide meaningful detail about that case or a
 9 satisfactory explanation why that order could not have been brought to the court's
 10 attention "earlier with reasonable diligence." Local Rules W.D. Wash. LCR 7(h)(1); (*see*
 11 *also* Mot. at 1; Anderson Decl. (Dkt. # 52-1) ¶ 2 ("I was out of the office in connection
 12 with a major family matter for much of the past two weeks, and I thus was not able to
 13 bring the above-mentioned fee award to this Court's attention until now. I apologize for
 14 any delay.").) Mr. Fulton also argues that he "cited several Western District cases in his
 15 fee petition which may not have been addressed by this Court." (Mot. at 3.) The court
 16 carefully considered the parties' briefs and the law cited therein before making its
 17 determination. (*See* 7/25/16 Order at 1-2.) In addition, Mr. Fulton provides a lengthy
 18 account of the settlement negotiations that in part led the court to reduce his fees;
 19 however, he fails to explain why he could not provide this information in conjunction
 20 with his reply brief on his motion for attorneys' fees. (Mot. at 5-6; *see* 7/25/16 Order at

21
 22 ¹ Tellingly, Mr. Fulton omits any reference to the Local Civil Rules and the standard they
 impose on a motion for reconsideration. (*See generally* Mot.)

1 5-6.) Again, this argument and evidence could have been brought to the court's attention
2 "earlier with reasonable diligence." Local Rules W.D. Wash. LCR 7(h)(1).

In sum, none of the arguments that Mr. Fulton raises—neither the examples addressed above nor any of the other arguments in his seven-page motion for reconsideration—satisfy this District’s standard on a motion for reconsideration. *See id.* Accordingly, the court DENIES Mr. Fulton’s motion for reconsideration (Dkt. # 52).²

7 Dated this 4th day of August, 2016.


JAMES L. ROBART
United States District Judge

²² ² This order renders moot Defendants' "request for court guidance" (Dkt. # 53), and the court accordingly DENIES that request.